

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MONTANA
Petition for Warrant for Offender Under Supervision

Name of Offender: Tyrell Henderson

Docket Number: 0977 4:16CR00010-001
0977 4:11CR00056-001

Name of Sentencing Judicial Officer: THE HONORABLE BRIAN MORRIS
CHIEF UNITED STATES DISTRICT JUDGE

Date of Original Sentence: 6/29/2017

Original Offense: **CR 11-56** 18:111.F; ASSAULTING/RESISTING/IMPEDING
OFFICERS/EMPLOYEES
CR 16-10 18:1153.F; OFFENSES COMMITTED WITHIN INDIAN COUNTRY;
18:1112.F; MANSLAUGHTER - INVOLUNTARY

Original Sentence: 92 months Bureau of Prisons, to be followed by 36 months supervised release

Type of Supervision: Supervised Release

Date Supervision Commenced: 11/15/2022

Assistant U.S. Attorney: Bryan T. Dake
2601 2nd Avenue North, Ste 3200, Billings, MT 59101, 406-657-6101

Defense Attorney: Carl B. Jensen
Law Office Of Carl B. Jensen, Jr., 410 Central Avenue, Suite 506B, Great Falls, MT 59401, 406-899-6696

PETITIONING THE COURT

Background

On 01/05/2012, the defendant appeared for sentencing before THE HONORABLE SAM E. HADDON, UNITED STATES DISTRICT JUDGE, having been found guilty by jury trial of the offense in **CR 11-56:** 18.1 1.1.F; ASSAULT ON A FEDERAL OFFICER. The offense involved the defendant, while intoxicated, punching a Bureau of Land Management law enforcement officer in the cheek with his fist, as well as striking the officer two times with his knee. A ground fight ensued until the officer gained control. The defendant was sentenced to 22 months custody, followed by 24 months supervised release.

Prior to completion of his custodial sentence, he was placed at the Great Falls Transition Center but was given a disciplinary discharge prior to completion and returned to custody for the remainder of his sentence. The discharge was for numerous rule violations and selling synthetic marijuana.

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On 06/11/2014, the defendant appeared before THE HONORABLE BRIAN MORRIS, CHIEF UNITED STATES DISTRICT JUDGE, for a revocation hearing. At that time, the defendant admitted to committing a new law violation; namely, he eluded police in a high-speed chase for several miles through different jurisdictions. The defendant crashed his vehicle, and the pursuit continued on foot. Other violations included possession of a firearm, drugs, and items used in the distribution of drugs, but they were not pursued by the government. He was sentenced to 10 months custody, followed by 24 months supervised release. He began his second term of supervision on 11/24/2014.

On 03/27/2015, the defendant appeared before THE HONORABLE BRIAN MORRIS, CHIEF UNITED STATES DISTRICT JUDGE for a revocation hearing. At that time, the defendant admitted to failing to participate in substance abuse treatment, failing to follow the United States Probation Officer's instructions, and use of a controlled substance. Another violation included possession of a firearm, but it was not pursued by the government. He was sentenced to 6 months custody, followed by 18 months supervised release. He began his third term of supervision on 07/15/2015.

On 09/30/2015, the defendant appeared before THE HONORABLE BRIAN MORRIS, CHIEF UNITED STATES DISTRICT JUDGE for a final revocation hearing. He admitted to failing to report for mental health and substance abuse assessments and failing to report for urinalysis testing. The petition also reported methamphetamine use and alcohol consumption which resulted in a two-vehicle crash which killed two people (the defendant was later charged and convicted of Involuntary Manslaughter; CR 16-10). The alleged methamphetamine and alcohol violations were not adjudicated. He was sentenced to 6 months custody with 12 months supervised release to follow.

On 6/29/2017, the defendant appeared for sentencing before THE HONORABLE BRIAN MORRIS, CHIEF UNITED STATES DISTRICT JUDGE, having been found guilty by jury trial of the offense in **CR 16-10**: 18:1153.F; OFFENSES COMMITTED WITHIN INDIAN COUNTRY; 18:1112.F; MANSLAUGHTER - INVOLUNTARY. The offense involved the defendant (while on supervised release) driving a borrowed 2008 Chevy Impala under the influence of methamphetamine, the defendant caused a two-vehicle crash resulting in the deaths of Rylin Fay Aleen Burns, age 23, and Leanadra Lynn Thomas, age 27. The defendant was sentenced to 92 months Bureau of Prisons, to be followed by 36 months supervised release.

Prior to completion of his custodial sentence, he was placed at the Great Falls Transition Center but was given a disciplinary discharge prior to completion and returned to custody for the remainder of his sentence. The discharge was for barricading himself in his room after using methamphetamine. He told the correctional officers, *I won't let you in, you're not going to rape me again*. The defendant began the current term of supervised release on 11/15/2022.

On 12/07/2022, a Report on Offender Under Supervision was filed with the Court after the defendant admitted to alcohol and meth use. His release was continued.

Since that time, the probation officer believes the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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- 1 **Special Condition:** You must participate in and successfully complete a program of substance abuse treatment as approved by the probation officer. You must remain in the program until you are released by the probation officer in consultation with the treatment provider. You must pay part or all of the costs of this treatment as directed by the probation officer.

On 11/28/2022 the defendant began Connections Corrections inpatient treatment facility. On 01/19/2023, the defendant was terminated from the program for his poor attitude towards staff.

- 2 **Standard Condition:** You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.

On 03/13/2023, the defendant reported he moved out of Ignatius Sober Living House on 03/08/2023 without approval.

- 3 **Standard Condition:** You must answer truthfully the questions asked by your probation officer.

On 03/13/2023, the defendant reported to this officer he signed himself out of Ignatius Sober Living House due to not getting along with management. In speaking with staff at Ignatius House, the defendant reported his brother was shot, and he needed to be in Great Falls with him. Staff reported there were no issues prior to him signing himself out.

- 4 **Standard Condition:** You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.

On 03/13/2023, this officer spoke with Advanced Employment who reported the defendant called last week reporting he had a new job and was quitting his current job. He did not report this change to this officer.

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In conformance with the provision of 28 U.S.C. § 1746, I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge. Based on the information presented that the offender has violated conditions of supervision, I am petitioning the Court to issue a warrant.

Reviewed

Respectfully Submitted

By:



Raymond Antonsen
Supervising United States Probation Officer
Date: 03/13/2023

By:



Jessica Heim
United States Probation Officer
Date: 03/13/2023

ORDER OF COURT

I find there is probable cause to believe the offender has violated conditions of supervision, supported by the above affirmation given under penalty of perjury. The Court orders the issuance of a warrant. Considered and ordered this 14th day of March, 2023, and ordered filed **UNDER SEAL** and made a part of the records in the above case.

IT IS FURTHER ORDERED that upon notification to the Clerk of Court's Office that the above named Defendant has been taken into custody, the Petition for Warrant or Summons for Offender Under Supervision shall be unsealed.



Brian Morris, Chief District Judge
United States District Court

03/14/2023

Date